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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/654,929  | 09/05/2000  | Ryota Akiyama        | 1046.1100RE         | 7584             |
| 21171   | 7590        | 01/05/2005           | EXAMINER            |                  |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | DIXON, THOMAS A     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3629                |                  |

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/654,929

**Applicant(s)**

AKIYAMA ET AL.

**Examiner**

Thomas A. Dixon

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The independent claims have been amended and new claims 40-41 have been added.
2. Applicant's amendments to the claims overcome the recapture rejection.
3. The replacement declaration is improper.

### ***Reissue Applications***

4. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

### ***Oath/Declaration***

5. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- a. The language of duty to disclose is improper.
6. Claims 1-41 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

### ***Allowable Subject Matter***

7. Claims 1-7 are allowable over the prior art.
8. Claims 8-41 are allowable over the prior art.
9. The following is an examiner's statement of reasons for allowability:

As per Claims 1, 4, 6, 7.

The prior art of record, specifically, Arnold et al (176) in view of Hartman Jr ('166) does not disclose:

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a software management means for decoding encrypted software data and for managing monetary charges according to the usage of the software data; and

output switchover means for receiving encrypted data from said input switchover means and outputting the encrypted data to said software management means, and for receiving non-encrypted software data from said input switchover means and outputting the non-encrypted software data to said data conversion section as claimed.

As per Claims 8, 12, 23, 24, 28, 39.

The prior art of record, specifically Shear ('598) in view of Allen ('713) do not disclose a switch means for switching a one-way connection between said digital information receiving means and said information converting means, said digital information receiving means and said drive means, and said drive means and said information converting means, as claimed.

As per Claims 16, 21, 22, 32, 37, 38.

The prior art of record, specifically Shear ('598) in view of Allen ('713) do not disclose first, second and third switches for switching a one-way connection between said digital information receiving means and said information converting means, said digital information receiving means and said drive means, and said drive means and said information converting means, as claimed.

As per Claim 20.

The prior art of record, specifically Shear ('598) in view of Allen ('713) do not disclose first, second, third and fourth switches for switching a one-way connection between said digital information receiving means and said information converting means, said digital information receiving means and said drive means, and said drive means and said information converting means, as claimed.

As per Claim 36.

The prior art of record, specifically Shear ('598) in view of Allen ('713) do not disclose first, second, third, fourth and fifth switches for switching a one-way connection between said digital information receiving means and said information converting means, said digital information receiving means and said drive means, and said drive means and said information converting means, as claimed.

As per Claim 40.

The prior art of record, specifically Shear ('598) in view of Allen ('713) do not disclose:  
a fourth switch position which connects digital data read from the storage medium to a software management which decodes encrypted software data in the read digital data and then provides the decoded software data to the converter to be converted into at least one of visible and audible data, wherein the software manager manages monetary charges according to usage of the decoded software data; and

a fifth switch position which connects the digital data provided by the communication path to the software manager which decodes encrypted software data in the provided digital data and then provides the decoded software data to the converter to be converted into at least one of

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visible or audible data, wherein the software manager manages monetary charges according to usage of the decoded software data.

As per Claim 41.

The prior art of record, specifically Shear ('598) in view of Allen ('713) do not disclose: means for connecting digital data read from the storage medium to a software manager which decodes encrypted software data in the read digital data and then provides the decoded software data to the converter to be converted into at least one of visible and audible data, wherein the software manager manages monetary charges according to usage of the decoded software data; and

means for connecting digital data provided by the communication path to the software manager which decodes encrypted software data in the provided digital data and then provides the decoded software data to the converter to be converted into at least one of visible and audible data, wherein the software manager manages monetary charges according to usage of the decoded software data.

The claims that depend from the above allowable claims are allowable for the same reasons.

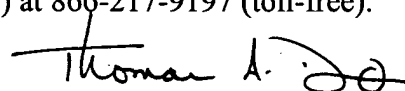
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas A. Dixon  
Primary Examiner  
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